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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/581,681

06/06/2006

Seiji Sato

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11/14/2008

WENDEROTH, LIND & PONACK, L.L.P.

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WASHINGTON, DC 20006-1021

EXAMINER

MOMPER, ANNA M

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/581,681	<b>Applicant(s)</b> SATO ET AL.	
	<b>Examiner</b> ANNA MOMPER	<b>Art Unit</b> 3657	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/06/2006</u> .   | 6) <input type="checkbox"/> Other: _____                          |



### **DETAILED ACTION**

This correspondence is a first office action on the merits. Preliminary amendment received 6/06/06 has been entered. Claims 1-6 are currently pending and have been considered below.

#### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamamoto (JP 2000-291749 A, see enclosed translation).

As per claim 1, Yamamoto discloses a chain tensioner (10) comprising a housing (11) formed with a cylinder chamber (17), a plunger (22) slidably mounted in said cylinder chamber, a spring (34) mounted in said cylinder chamber and biasing said plunger outwardly of said cylinder chamber, and a retraction restrictor (oil enclosed in cylinder chamber 17 with female screw 26 and male screw 27) means provided between said housing (11) and said plunger (22, Fig. 2) for preventing said plunger from retracting toward a closed end of said cylinder chamber over a predetermined distance ([0041], [0043]), said housing being formed with an oil supply passage (16) communicating with a pressure chamber (17) defined in said cylinder chamber behind said plunger (Fig. 2), whereby pushing force applied to said plunger is dampened by

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hydraulic oil supplied through said oil supply passage into said pressure chamber ([0041]), characterized in that an axially elongated guide recess (36) is formed in an outer periphery of said plunger (Fig. 2, [0033]), and that said housing is provided with a stopper pin (51) near an open end of said cylinder chamber, said stopper pin being partially disposed in said guide recess (Fig.2(II)).

As per claim 2, Yamamoto also discloses the housing (11) is formed with a pin hole (50) extending radially of said cylinder chamber near said open end of said cylinder chamber, said stopper pin (51) being pressed in said pin hole ([0050], Fig. 2, Fig.3(I), Fig. 3(II)).

As per claim 3, Yamamoto also discloses housing (11) is formed with a pin hole (40) extending across the outer periphery of the cylinder chamber (Fig. 2(II)) near the open end of the cylinder chamber, with a stopper pin (41) being pressed into the pin hole (Fig. 2(I), Fig. 2(II)).

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.

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2. Ascertaining the differences between the prior art and the claims at issue.
  3. Resolving the level of ordinary skill in the pertinent art.
  4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto (JP 2000-291749 A) in view of Kodama et al. (US 4,695,268).

Yamamoto discloses all elements of the claimed invention but fails to explicitly disclose the stopper pin is a spring pin.

Kodama et al. discloses a tensioner (Fig. 1) which utilizes a stopper pin (26) which prevents a plunger (18, 25) from protruding out of the housing (19) more than a predetermined amount, said stopper pin (26) being a spring pin (Col. 2, Ln. 40-42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the tensioner of Yamamoto to include the stopper pin is a spring pin for the purpose of preventing the plunger from protruding out of the housing more than a predetermined amount.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANNA MOMPER whose telephone number is (571)270-5788. The examiner can normally be reached on M-F 6:00-3:30 (First Friday Off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Siconolfi can be reached on (571) 272-7124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Bradley T King/  
Primary Examiner, Art Unit 3657

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